U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

United States Bankruptcy Judge

Signed May 27, 2010

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:	§	
	§	
CHESLEE MITCHELL BRYAN,	§	CASE NO. 07-10384-RLJ-13
	§	
DEBTOR	§	

ORDER

On May 12, 2010, hearing was held on the Motion to Reconsider Order Disallowing Claim filed by Chief Pontiac Federal Credit Union c/o Systems and Services Technologies, Inc. ("Claimant"), which seeks the reconsideration of the Court's prior order of March 12, 2010, disallowing the claim of Claimant. The debtor, Cheslee M. Bryan, filed his response to the motion denying that relief under the motion is appropriate. Claimant appeared at the hearing through local counsel who offered no evidence in support of the motion. The order disallowing the claim of Claimant was entered by default as Claimant failed to respond to the debtor's objection to the claim. The claim that was objected to was filed in the amount of $21,588.99, and, according to counsel that appeared for Claimant at the hearing, represents a deficiency claim from a prior secured claim that had been filed in the case. Debtor's counsel, reiterating the basis for the objection to the claim, stated that the claim was filed well after the bar date and did not constitute an amended claim as it reserved no right in the original claim to file a later amended claim.

The Court advised the parties it would take the matter under advisement and, in doing so, told the parties that it would take judicial notice of the pleadings on file in the case. The Court has reviewed the chapter 13 plan that was confirmed by the Court and notes that a claim of "Flatiron", secured by a 2003 Chevy Trailblazer, which is apparently the same vehicle that secured the claim of Claimant, was treated under the chapter 13 plan by surrender of the vehicle for the full value of the claim, $24,288.00. The plan specifically provides that such claim is satisfied as secured to the extent of the value set forth in the plan by the surrender of the collateral. Neither party provided an explanation concerning the treatment of the claim under the debtor's chapter 13 plan.

As Claimant failed to provide any explanation regarding its failure to respond to the objection that resulted in the order disallowing its claim, and otherwise failed to provide any evidence in support of its motion, coupled with the Court's understanding of the plan as confirmed, i.e., providing for surrender in satisfaction of the claim secured by the Claimant's collateral, the Court is satisfied that Claimant's motion must be denied. It is, therefore,

ORDERED that any and all relief requested by the Claimant's motion is denied.

End of Order